

May 9, 2017

MEMORANDUM FOR THE WHITE HOUSE STAFF SECRETARY AND CABINET SECRETARY

FROM: Ryan Jackson, Chief of Staff, U.S. Environmental Protection Agency

SUBJECT: Environmental Protection Agency Weekly Update for the Week of May 9, 2017

**EPA 30-Day Policy Look Ahead**

**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**

**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**

**B. Reports to Congress**

**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**

**C. State-Based Issues**

**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**

**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**

**D. Significant Rulemakings**

**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**

**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**

**E. Legal Decisions**

1. ***Pebble Limited Partnership litigation:*** A settlement is likely in the long-running litigation between EPA and Pebble Mine Partnership. The tentative settlement agreement calls for EPA to initiate the process to propose to withdraw its July 10, 2014 Clean Water Act Section 404(c) proposed determination associated with mining the Pebble deposit in Alaska, which included restrictions of the discharge of dredged and fill material associated with mining the Pebble deposit. In exchange, if Pebble Limited Partnership submits a Clean Water Act Section 404 permit application within 30 months of the settlement, EPA may not proceed with the process of issuing a recommended determination until EPA publishes a notice of the final Environmental Impact Statement regarding the permit application or 48 months from the settlement, whichever is earlier in time. Pebble would agree to drop all of its pending litigation and abstain from submitting certain additional FOIA requests.

**Timing:** Proceedings in the litigation are stayed until May 11, 2017. EPA anticipates finalizing the settlement agreement in conjunction with DOJ this week.

**Contact:** Justin Schwab, Deputy General Counsel

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**F. Release of High-Profile Grants**

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**G. Notable Press**

**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**

**Other/Awareness Only**

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**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**

**Key Events for Upcoming 30 Days**

**Major Policy Speeches**

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## Events

**Non-responsive: Material unrelated to Bristol Bay/Pebble Mine**